

## **MINUTES**

### **Attendance**

Members Present: Jonathan O'Keeffe, Bruce Carson, Richard Roznoy (5:30 p.m.)

Members Absent: None

Other Planning Board Members present: Denise Barberet, Rob Crowner

Staff present: Jonathan Tucker, Planning Director; Christine Brestrup, Senior Planner; Jeff Bagg, Senior Planner

Others present and participating: Tom Ehrgood (ZBA liaison), Walter Wolnik, Diana Stein (Select Board liaison)

### **Discussion**

The meeting began at 5:05 p.m.

#### Approval of Minutes - 5:05 p.m.

The subcommittee approved the minutes of the 12/16/09 meeting. Approval of the 1/20/10 minutes was postponed pending the arrival of Mr. Roznoy.

#### University Drive Rezoning - 5:10 p.m.

The subcommittee discussed the proposed amendment to rezone the property south of the Newmarket Center on University Drive from its current zoning of OP (Office Park) to B-L (Limited Business). Jonathan Tucker reviewed the Use Categories in Article 3 of the Zoning Bylaw to describe which uses would be impacted by this change. With respect to the use category for apartments (3.323), Denise Barberet pointed out the standards and conditions which govern the number of residential units per building, and the overall mix of types of residential units within the development (with no more than 50% of the units having the same number of bedrooms). Walter Wolnik asked that these conditions be relayed to Roy Rosenblatt, and Mr. Tucker said he would do so.

Tom Ehrgood asked about issues regarding wetlands on the property in question. Mr. Tucker said that issues regarding wetlands are not impacted by zoning changes, but rather would be reviewed by other boards, such as the Conservation Commission, and that these reviews have not yet taken place for the proposed project.

Mr. Tucker emphasized that the board's responsibility in examining this type of zoning change is not to look at the details of a particular project, but rather to examine the long-term impact of the proposed zoning change.

The subcommittee discussed the question of whether or not the Research and Development overlay district, which is applied to the properties zoned B-L on the west side of University Drive, should also be applied as part of the proposed change. The consensus was that it should not be, based on factors such as consistency with the adjacent Newmarket Center (zoned B-L with no R&D overlay), and proximity to the residential neighborhood on Charles Lane.

Bruce Carson raised the issue of whether it would be appropriate to rezone all of the properties currently zoned OP on the east side of University Drive, given that the OP district

offers little to distinguish it from other similar districts. Mr. Tucker stated that this indeed might be an appropriate question for the future. However, the consensus on the subcommittee was that the scope of this change (which would apply to several already-developed properties) would be considerably beyond the scale of the current proposal and thus not feasible for the current Town Meeting session.

#### Development Modification - 5:35 p.m.

The subcommittee discussed the current status of the article to replace the existing Phased Growth article, now being referred to as "Development Modifications". Mr. Tucker presented the revisions to the tabular form of the development modification calculations to include a larger number of point ranges. Jonathan O'Keeffe presented a proposed set of numerical values for the development modification calculations for residential developments. He stated that these were based on a rough estimate of +/- 70 points as being the approximate outer limits on the number of points that a given project could potentially accrue, and emphasized that these calculations were approximate and should be subjected to greater scrutiny. His figures broke down the point ranges into ten-point increments, with unit count modifications scaled across these ranges in a linear manner.

Rob Crowner suggested thinking about the modifications to unit counts as ranges around a base value, such as 70% to 130% of the original value. Mr. O'Keeffe agreed that this conception was similar to what he was trying to express in his table of values.

Ms. Barberet stated that the proposed range of unit modifications in the R-O and R-LD districts (+/- 10%) didn't provide sufficient incentive for desirable practices in those districts, and that penalties for undesirable practices in those districts should be greater. Mr. Tucker reminded the subcommittee that the regulations would apply primarily to development proposals for multiple units and/or multiple lots, and that their impact on individual single-family houses in outlying districts would be minimal by design.

Ms. Barberet expressed reservations about assigning points for aspects such as targeting to senior populations, which could increase the density of a project, but then be changed at a later date. Mr. Tucker stated that the supporting details for the point values would be established during the permit process, wherein particular claims would be evaluated and, if necessary, turned into permit conditions.

Richard Roznoy discussed several issues relating to transportation. He advocated for a separate category assigning positive points for the provision of new public transportation infrastructure. He also stated that he felt that development within 1000 feet of a heavily travelled arterial street should be discouraged, not encouraged. Further discussion on this issue led to a consensus that language pertaining to sidewalks should be added to this item (14.71), such that positive points would be awarded only if the arterial roads in question were provided with sidewalks.

There was considerable discussion on the overall concept of when the provisions of the article would be applied, and specifically to the language in the preamble to section 14.1. The issues here involved whether the regulations would be mandatory, or subject to the boards' discretion. Earlier drafts of the article were based on a point system that was entirely positive, with no negative values for disincentives, and the language regarding application of the regulations was therefore oriented toward giving the boards the ability to apply the regulations, but not necessarily requiring them to do so. Current drafts include negative point values, and therefore the question of when projects would have to go through the process, and what discretion boards may have, is more relevant. The consensus was that the application of the regulations is intended to be mandatory (with all

relevant projects required to go through the point evaluation process). Individual point items may still involve some element of discretion or subjectivity in boards' evaluation of their applicability, but the consensus was that in designing the regulations, every effort should be made to make the point items as specific and objective as possible. Mr. Tucker indicated that the current draft reflects this design goal in a number of areas, and that ongoing revisions would continue to apply this principle.

#### Social Service Uses - 6:35 p.m.

Mr. Tucker described the intent of the article, which is to create a separate use category for non-profit human service uses. The existing non-profit use category, 3.330, only covers non-profit uses pertaining to educational or religious institutions, and thus secular, non-educational organizations, such as the Amherst Survival Center, do not have a distinct use category, and are regulated under the closest matching use category (which is retail in the case of the Survival Center). Mr. O'Keeffe expressed a desire to remove the list of specific services proposed in the standards and conditions section, stating that such a list often creates more confusion than it dispels, because of the doubt that is raised by the absence of a given specific proposed use from the list. The consensus was to remove this list. Mr. Roznoy raised the issue of the meaning of the word "facilities" in the final sentence, and after discussion, there was agreement to remove this sentence. Mr. Ehrgood asked whether it might be more appropriate to regulate this category under SP in the PRP district, rather than the proposed SPR. Mr. Tucker pointed out that the uses under this category are typically protected uses, and would be allowed in any other district in the town.

#### Master Plan Conformance - 6:50 p.m.

Mr. Tucker pointed out minor changes in the language to the proposed article regarding conformance to the master plan.

#### Approval of Minutes - 6:55 p.m.

With Mr. Roznoy present, the minutes from the 1/20/10 meeting were approved, with a correction to specify that the project being proposed for University Drive was anticipated to be affordable, with all units countable under the MGL 40B SHI.

The meeting was adjourned at 6:55 p.m.

Respectfully submitted by Jonathan O'Keeffe, subcommittee member

[Minutes approved on 2/17/10]